

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UBIQUITOUS CONNECTIVITY, LP

Plaintiff,

v.

CITY OF SAN ANTONIO *dba* CPS ENERGY,

Defendant.

Civil Action No. 5:18-CV-00718

JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING DEFENDANT’S MOTION TO STRIKE EXPERT
DECLARATION OF IVAN ZATKOVICH**

The Court, having reviewed the opposed motion filed by Defendant City of San Antonio by and through its agent, City Public Service Board of San Antonio d/b/a CPS Energy (“CPS Energy”), requesting that the Court strike the expert declaration of Ivan Zatkovich, finds that the declaration is improper extraneous evidence that is not permitted in a response to a motion to dismiss under Fed. R. Civ. P. 12(b)(6) and GRANTS Defendant’s motion.

Accordingly, IT IS ORDERED that the expert declaration of Ivan Zatkovich is stricken and shall not be considered in ruling on Defendant’s motion to dismiss.

Dated: December __, 2018

UNITED STATES DISTRICT JUDGE